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### GOVERNMENT OF AJMER Medical and Local Self-Government Department

#### NOTIFICATION

*Ajmer, the 10th March, 1953*

No 9/69/52-LSG II—In view of the numerous complaints received against the Ajmer Municipal Committee the Chief Commissioner of the State of Ajmer appointed a Committee to enquire into, and furnish a detailed report on, the affairs of the Municipal Committee. The Enquiry Committee has submitted a detailed report and categorically stated that the Municipal Committee is incompetent to perform, and has persistently made default in the performance of, the duties imposed on it by the Ajmer-Merwara Municipalities Regulation, 1925 (Central Regulation VI of 1925). In view of the serious allegations contained against the Municipal Committee in the Enquiry Committee Report and more particularly summarised in Chapter VI of that report, the Municipal Committee was required, in pursuance of sub-section (1) of section 243 of the Regulation of 1925 cited above, to show cause, within three weeks from the date of receipt of the report, why action should not be taken against it. This time-limit was subsequently extended on the request of the Municipal Committee by a further period of one month.

The Municipal Committee which has submitted its replies has generally taken the line that most of the facts or omissions in respect of which it has been asked to explain were those of its predecessors and that action under that section is not justified.

The Chief Commissioner has given his very careful consideration to the allegations contained in the report of the Enquiry Committee and in particular to the following list of the more important allegations which are based on the matters contained in the relevant chapters of that report, and to the explanation of the Municipal Committee and in particular to its explanation with respect to the allegations in the list below and has very briefly set forth against each allegation in the list below, his conclusion.

#### Allegation in brief

#### Brief reply of the Municipal Committee and comments of the Chief Commissioner thereon

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| <p>1. Incurring an expenditure of over two and a half lakhs of rupees in excess of the budget provision, in contravention of section 65 of the Regulation.</p> | <p>A list of the items on which expenditure was incurred without the General Committee's sanction is given on page 35 of the Enquiry Committee Report. The Municipal Committee, while admitting the allegation, makes its predecessors in office responsible for these and asserts that it had some discretion to grant sanction in the way it did. The plea advanced by the Municipal Committee is untenable. Apart from this, the remarks of the Enquiry Committee related to the financial year 1951-52, and so the Municipal Committee cannot absolve itself of its responsibilities in this light-hearted manner. The Chief Commissioner considers that the allegation is proved.</p> |
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## Allegation in brief

## Brief reply of the Municipal Committee and comments of the Chief Commissioner thereon

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2. Lack of control and supervision over payment of octroi refunds. On a test examination of the refund accounts relating to June and July, 1952, about 27 cases in which octroi was refunded on what it appeared to be deception, came to the notice of the Enquiry Committee. Octroi refund is given in respect of commodities which have been imported into, and subsequently exported out of, the town. On checking up, it was found that the commodities said to have been exported under Railway receipts were not actually booked. For instance in one case octroi refund was allowed on chillies and tamarinds on the basis of a Railway receipt, while actually a few *Mondas* (reed chairs) were sent on that Railway receipt.
- The Municipal Committee while admitting that such cases have occurred, attempts to minimise the gravity of such frauds by saying that such corruption exists in every department. The Chief Commissioner is of opinion that the allegation is proved and that the Municipal Committee has betrayed a woeful lack of civic consciousness.
3. Non-recovery of huge arrears under property tax. It was noticed that the demand registers were not totalled since 1947, and so it was not possible to find out correctly what the demand for a particular year was and what the arrears were. The approximate arrears on 31st March 1952, were Rs. 2,55,000. The Municipal Committee has attributed the accumulation of these arrears to partition and to the migration of the staff and the tax-payers. The Committee has not, however, in any way attempted to explain what steps at least it took, or proposes to take, to recover the arrears. No reason has also been given for not preparing a demand register. The Committee cannot be said to have shown any sense of responsibility in this regard.
4. Failure to comply with the provisions of rule 20 (3) of the Municipal Account Code. Under rule 20 (3) of the Municipal Account Code, a half yearly statement is to be submitted to the Finance Sub-Committee to enable a proper watch over demands and collections of taxes. No such statement for the half year ending 31st March, 1952, was made available to the Inquiry Committee, as it had not been prepared. The reason given was that the accounts had not been closed. This shows clearly that no proper attention was paid either by the staff or by the Committee to collection work.
5. Failure to make proper assessments of water charges and to send proper and regular bills to consumers. The arrears of water charges on 31st March 1952, were over Rs. 47,500. The Municipal Committee itself says that they are "indeed heavy" but explains that the Water Works Department was very busy in alleviating the distress of the suffering citizens of Ajmer, because of the water scarcity, and that as such the work of realising arrears was given secondary importance. There is no substance in this plea, and it is clear that the Municipal Committee miserably failed to discharge its duty of collecting the arrears due to it.
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Allegation in brief

Brief reply of the Municipal Committee and comments of the Chief Commissioner thereon

6. Irregular grant of advances for the purchase of stores, etc. to officers in contravention of rule 121 (3) of the Municipal Account Code  
Rule 121 (3) of the Municipal Account Code permits the payment of advances to certain specified officers up to a limit of Rs. 500 only. It also lays down that such advance should be adjusted before the close of the year in which it is made and that no fresh advance shall be made to an officer until the adjustment of any previous advance granted to him. The Municipal Committee has admitted that several advances were given and that the members are not expected to tally the day to day accounts and examine their adjustment. The reply shows the utter lack of sense of responsibility on the part of the Committee. The total amount of advances pending adjustment is about one lac of rupees.
7. Sanctioning of works without the requisite approval of the competent authority under rule 2 of the Rules published in the Chief Commissioner's notification No 2251/167/CC/31, dated the 4th August, 1931.  
Under rule 2 published in the Chief Commissioner's Notification No. 2251/167/CC/31, dated the 4th August 1931, all works costing Rs. 1,000 and more require the sanction of the competent authority, i.e., estimates up to Rs. 2,000 require the Executive Engineer's approval, estimates up to Rs. 10,000 that of the Deputy Commissioner, and estimates over Rs. 10,000 that of the Chief Commissioner. The Municipal Committee has stated that the P. W. D. delayed the submission of the estimates. This plea cannot be accepted, for even if the charge made against the P. W. D. were correct (and it has been found that this is not correct) the delay of the P. W. D. cannot absolve the Committee of the need for complying with the provisions of the rule and obtaining the sanction of the requisite authorities.
8. Failure to implement the recommendations of the Superintending Engineer for augmenting the water-supply of the city in spite of repeated warnings.  
There was terrible scarcity of water during the period from March to the end of May, 1952. The Superintending Engineer of the C. P. W. D. warned in December, 1951, that unless the Committee immediately implemented certain recommendations made by him the city would be faced with grave water scarcity. Practically nothing was done by the Committee. It was only after constant goading by Government that the slow moving machinery of the Committee was aroused from their inactivity and the crisis was tided over. The Committee while saying that it took all possible steps, has attempted to shift the blame on to Government. It is observed that practically nothing was done by the Committee, and that it was only after the Deputy Commissioner administered a warning to the Committee through its Chairman that it woke up from its inactivity. But for the constant goading of Government the Committee would not have moved in the matter, even in the face of such a grave emergency.
9. Allowing a large number of persons to run meat shops unlicensed and in unhygienic conditions.  
Under the rules issued by the Chief Commissioner the Committee may with the approval of the District Magistrate fix and abolish places where raw meat may be exposed for sale. There are about 80 meat shops in the city, but only 9 of them are licensed. Except the licensed ones none of the other shops has any protection against flies or proper sanitary arrangements. The Municipal Committee has attributed this to the influx of refugees and to overcrowding. The plea advanced by the Committee is on the face of it a lame one and cannot be accepted.

## Allegation in brief

## Brief reply of the Municipal Committee and comments of the Chief Commissioner thereon

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| 10. Arbitrary acceptance or rejection of tenders for the purchase of stores. | In May, 1952 tenders were invited for the purchase of high speed diesel oil by the Municipal Committee. The Water Works Sub-Committee did not purchase this commodity from any of the firms from whom tenders were received on the ground that they were intermediaries. The Committee purchased the same from a firm to whom no tender notice was sent or from which no tender was received. Moreover, the rate at which the oil was purchased was the same and not lower than the lowest tender already received for it. There are other instances of arbitrary acceptance or rejection of tenders. The Municipal Committee has stated that there was no motive in the procedure followed by it in the above case. The reasons given by the Committee for following the course adopted by it are weak and unconvincing.  |
| 11. Laxity in the supervision of the consumption of petrol                   | There is practically no control over the consumption of petrol—a large quantity of which is consumed daily in water and conservancy trucks. No log books are maintained nor are there mile meters on two trucks. The auditors also took strong objection to this serious irregularity. Beyond saying that the mileage per gallon has been increased by the replacement of certain parts, the Municipal Committee has not attempted to explain why proper records for the consumption of petrol were not maintained. It is thus clear that there was practically no effective supervision by the Municipal Committee with respect to the consumption of petrol.   |
| 12. Unsatisfactory administration of Nazul and Municipal property            | The administration of Nazul and Municipal lands is most deplorable. No proper records have been maintained with the result that numerous encroachments on Nazul lands, <i>vide</i> Appendix J of the Enquiry Committee Report, were detected by a Government Officer who had to be appointed to survey the Nazul land in charge of local bodies. Similar encroachments have been detected on Municipal lands on which constructions are put up without permission and subsequently compounded on payment of nominal compensations which are in certain cases never realized. While admitting the existence of encroachments, the Municipal Committee has pleaded that the encroachments were in existence for some years before and that it is not responsible for them. Whatever may be the condition in the past, the present Committee has not taken any steps to improve matters for the removal of encroachments pointed out to them by the Tehsildar. They are not even supplying the requisite information for the preparation of a correct record of the Nazul property. |
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The material before the Chief Commissioner leaves no doubt in his mind that the administration of the Ajmer Municipality has considerably deteriorated; that the Municipal Committee cannot escape responsibility for such deterioration; that the Municipal Committee has persistently made default in the performance of the duties imposed by or under law or exceeded or abused its powers and that it is incompetent to perform such duties.

Accordingly in pursuance of the powers conferred on him by sub-section (1) of section 243 of the Ajmer-Merwara Municipalities Regulation, 1925 (Central Regulation VI of 1925), the Chief Commissioner of the State of Ajmer hereby directs that the Ajmer Municipal Committee (hereinafter referred to as the said Committee) be superseded for a period of two years on and from the 12th March, 1953.

Under sub-section (3) of section 243 aforesaid--

- (a) all members, including the Chairman, shall on and from the 12th March, 1953, vacate their seats ;
- (b) all powers and duties of the said Committee shall, until the said Committee is reconstituted, be exercised and performed, subject to the conditions, restrictions and limitations imposed on the said Committee by or under the Regulation of 1925 aforesaid by Shri A. P. Dewan, now working as Additional Assistant Commissioner, Ajmer ;
- (c) all property and rights vested in the said Committee shall, until the said Committee is reconstituted, vest in Government ;
- (d) the said Shri A. P. Dewan and all persons acting under his authority shall be entitled to the same protection, and persons suffering damage from the exercise of the powers of the said Committee by him shall be entitled to the same relief, as if action had been taken by the said Committee.

By order of the Chief Commissioner.

N. SWAMINATHAN,  
*Secretary.*

